

CITY OF TIGARD, OREGON
ORDINANCE NO. 2002- 02

AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2001-00002/DAFFODIL HILL ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, CLEAN WATER SERVICES, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 8, 2002 to consider the annexation of a parcel of land consisting of 3.16 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District on January 8, 2002; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current and proposed zoning district is R-7, therefore, no zone change is necessary; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcel described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcel from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 3: The City Recorder is hereby directed to file certified copies of the Ordinance with Metro for administrative processing.

SECTION 4: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 5: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2002.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 8th day of January, 2002.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 8th day of January, 2002.

James E. Griffith
James E. Griffith, Mayor

Approved as to form:
Timothy W. Keen
City Attorney

1.8.02

Date

HARRIS - McMONAGLE ASSOCIATES INC.
ENGINEERS - SURVEYORS
12555 SW HALL BLVD.
TIGARD OREGON, 97223
TEL. (503) 639-3453 FAX. (503) 639-1232

LEGAL DESCRIPTION
FOR ANNEXATION TO THE CITY OF TIGARD

December 13, 2001 Revised

THE FOLLOWING DESCRIBED TRACT OF LAND BEING IN TITLE TO GEORGE MARSHALL RECORDED AS DEED No. 2000-048857, WHICH INCLUDES TRACT "C" AS SET FORTH IN THE DULY RECORDED PLAT OF "HILLSHIRE SUMMIT No. 2", AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2-SOUTH, RANGE 1-WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF THE DULY RECORDED PLAT OF "THREE MOUNTAINS ESTATES"; THENCE ALONG THE WEST LINE OF SAID LOT 10 AND THE SOUTHERLY EXTENSION THEREOF S 00°01'20" E 386.26 FEET TO THE CENTERLINE OF SAW BULL MOUNTAIN ROAD; THENCE ALONG CENTERLINE S 86°16'44" W 375.07 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE EAST LINE OF LOT 58, OF THE DULY RECORDED PLAT OF "HILLSHIRE SUMMIT No. 2"; THENCE ALONG THE SOUTHERLY PROJECTION AND EAST LINE OF LAST SAID PLAT, N 00°01'48" W 399.86 FEET TO AN ANGLE CORNER IN THE EAST LINE OF LOT 48, LAST SAID PLAT; THENCE ALONG THE EAST LINE OF SAID LOT 48, N 35°30'53" E 52.30 FEET TO THE SOUTHERLY 25 FOOT RIGHT OF WAY LINE OF S.W. ALPINE VIEW DRIVE; THENCE ALONG LAST SAID LINE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28°05'57" (THE CHORD OF WHICH BEARS S 76°02'56" E 133.52) AN ARC DISTANCE OF 134.87 FEET; THENCE S 89°54'06" E 214.37 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3.16 ACRES, EXCLUSIVE OF EXISTING PUBLIC RIGHT OF WAY.

EXCEPTING FROM THE ABOVE DESCRIBED LAND THE AFORE MENTIONED TRACT "C" WHICH WAS PREVIOUSLY ANNEXED TO THE CITY OF TIGARD.

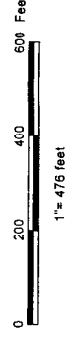
CITY OF TIGARD

GEOGRAPHIC INFORMATION SYSTEM

VICINITY MAP

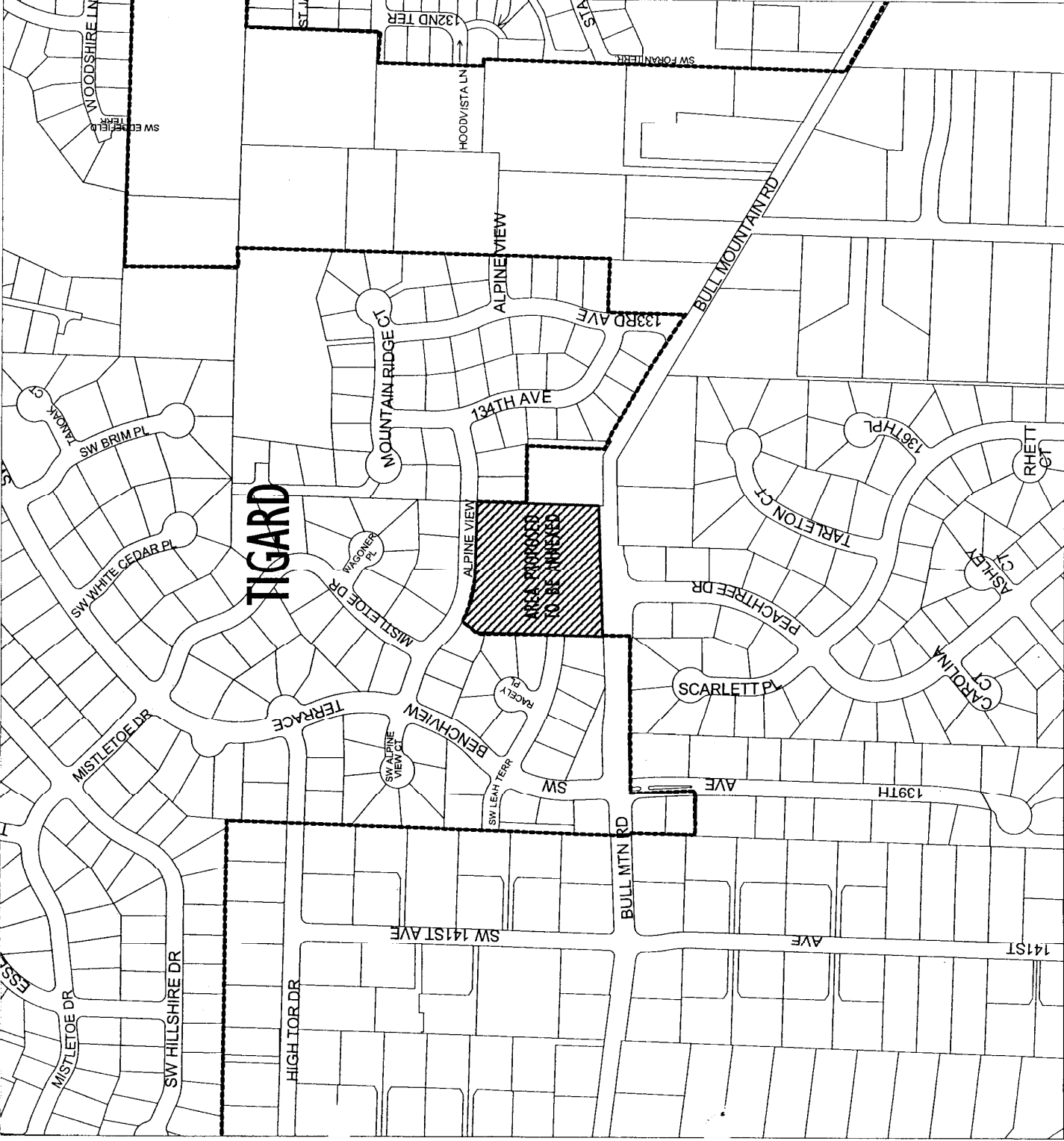
ZCA2001-00002

DAFFODIL HILL
ANNEXATION



City of Tigard

Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>



Agenda Item: 9Hearing Date: January 8, 2002 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**

**SECTION I. APPLICATION SUMMARY**

FILE NAME: DAFFODIL HILL ANNEXATION
CASE NO.: Zone Change Annexation (ZCA) ZCA2001-00002

APPLICANT: George Marshall
 PO Box 91249
 Portland, OR 97291
OWNER: Same

PROPOSAL: To annex 1 parcel consisting of approximately 3.16 acres of land into the City of Tigard.

**CURRENT
ZONING
DESIGNATION:** R-7.

**EQUIVALENT CITY
ZONING
DESIGNATION:** R-7, Medium Density Residential. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

LOCATION: 13735 SW Bull Mountain Road; WCTM 2S109BA, Tax Lot 1400. The project is located on the north side of SW Bull Mountain Road and south of SW Alpine View.

**APPLICABLE
REVIEW
CRITERIA:** Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Policies 2 and 10; Metro Code Chapter 3.09; and ORS Chapter 222.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation will not adversely affect the health, safety and welfare of the City. Therefore, staff recommends **APPROVAL** of the annexation by adoption of the attached Ordinance.

SECTION III. BACKGROUND INFORMATION

Site information and proposal description:

The property is currently developed with a single-family residence. The applicant has obtained preliminary approval for an 18-lot subdivision named Daffodil Hill on the subject site. The site is located north of SW Bull Mountain Road and south of SW Alpine View. The site is surrounded by subdivisions that were developed for single-family housing and are situated on lots that are larger than those proposed in Daffodil Hill. There is an existing single-family home and a large barn located on the property. Both structures will be removed to accommodate the layout of the new proposed subdivision. The proposal is to annex approximately 3.16 acres of land into the City of Tigard with an assessed value of \$474,000.

Vicinity Information:

The area to be annexed consists of 3.16 acres. The existing city boundary runs along the north and west property lines. The subject property and the property to the east are outside the Tigard city limits.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

The relevant criteria in this case are Tigard Comprehensive Plan Policies 2.1.1, 10.1.1, 10.1.2, and; Tigard Community Development Code Chapter 18.320.

Staff has determined that the proposal is consistent with the relevant policies of the Comprehensive Plan based on the following findings:

Policy 2.1.1:

This Policy requires an ongoing citizen involvement program. The West CIT and surrounding property owners have been notified of the public hearing and notice of the hearing has been published in a newspaper of general circulation. The site has been posted since November 14, 2001, and the hearing was announced at the December Citizen Involvement meeting. There have been a number of opportunities for citizens to be involved in the decision making process.

Policy 10.1.1:

This Policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, Metro Area Communications, NW Natural Gas, Tualatin Valley Fire and Rescue, Tualatin Hills Park and Recreation District, and Clean Water Services have all reviewed the annexation request and have offered no objections. This policy has been complied with.

Policy 10.1.2:

This Policy pertains to boundary criteria for annexations and is satisfied. The property is adjacent to the Tigard city limits on the north and west boundaries, and is eliminating one lot that is currently a pocket of unincorporated Washington County surrounded by the City Limits.

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

Section 18.320.020: This Section addresses approval standards for annexation proposals and is satisfied because:

The applicable Comprehensive Plan Policies and Community Development Code provisions have been reviewed and satisfied as previously indicated in this report.

The property is currently zoned R-7. Because this property is in the Urban Services Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation.

Metro 3.09 requires the additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

Consistency with the directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

The processing has been done consistent with applicable Urban Service Provider agreements.

Consistency with directly applicable provisions of urban planning or other agreement, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The process required by the Development Code and Comprehensive Plan is consistent with the Urban Planning Agreement for annexations.

Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

This has been discussed previously in this report and, as discussed, this criterion is satisfied.

Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plans;

Because the Development Code has been amended to comply with applicable Metro functional plan requirements, by complying with the Development Code and Comprehensive Plan, the annexation is consistent with the applicable functional plan and the Regional Framework plan.

Whether the proposed changes will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is adjacent to existing City limits and services. Many services have been extended to that area as a result of earlier development.

If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;

The subject property is already within the Metro boundaries.

Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with other applicable criteria has been discussed previously in this report.

SECTION V. OTHER STAFF COMMENTS

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and Water Department have all reviewed this proposal and have offered no objections to annexation.

SECTION VI. AGENCY COMMENTS

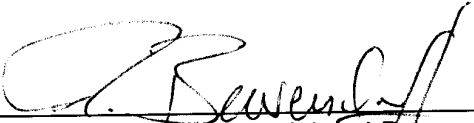
Clean Water Services, Metro Area Communications, NW Natural Gas, Tigard School District, Beaverton School District, and Washington County have had the opportunity to review the proposal and have offered no objections.

BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2001-00002 – DAFFODIL HILL ANNEXATION.



PREPARED BY: Brad Kilby
Associate Planner

December 20, 2001
DATE



APPROVED BY: Richard Bowersdorff
Planning Manager

December 20, 2001
DATE